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UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS
AND HIGHLY MIGRATORY FISH
STOCKS
New York, 12-30 July 1993

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE OPENING OF THE SECOND SESSION, HELD ON 12 JULY 1993

We meet at a time when there is continued pressure on marine fish resources as a whole. There is also a clear downward trend in marine fish catches. This is principally caused by a lack of adequate management of the marine living resources, especially on the high seas. While under the 1982 United Nations Convention on the Law of the Sea the management of living resources in the exclusive economic zone is the responsibility of a coastal State, the management of living resources of the high seas is a shared responsibility which can only be effectively discharged through cooperation among States, as is required by the Convention.

Without such cooperation, major problems in high seas fishing must be expected. Indeed, we are witnessing such problems in many parts of the world today. If these problems remain unresolved and the pressures on fisheries resources are allowed to increase, the consequences will be very grave. This would be detrimental not only to marine living resources but also to the overall order in the oceans established by the United Nations Convention on the Law of the Sea. The certainty and stability that we have already achieved in the uses of the oceans and their resources would yield to uncertainty, confusion and conflict.

An examination of the available fisheries data would reveal that one of the most notable features of the 1980s was a consistent growth in marine fish catches. During this period, catches rose by almost one third, to peak at some 86 million tons by 1989. In 1990, the trend reversed and there was a fall of 3.5 million tons. There was a further decline in 1991 by almost 1.1 million tons, reducing the total marine fish catch to 81.7 million tons. Preliminary data for 1992 indicate a continuation of the downward trend.

What is ironic, however, is that, over the same period, as catch levels have declined, the global capacity of fishing fleets has continued to grow. In

relative terms, during the past two decades, increases in fleet capacity have been twice those of the total marine fish catches. The reason for the increase in fishing effort is due to fleet overcapitalization, which has been facilitated, in many cases, by government subsidization. The result is obvious. There is excessive effort which is economically unsound and which has also led to declining catches and non-sustainable resource use.

The decline in catches due to over-fishing may also have been exacerbated by natural environmental phenomena. Dramatic examples of declining catches are to be seen in the North-East Atlantic and in the Sea of Okhotsk, where stock collapse has already led, or is on the verge of leading, to closure of fisheries, resulting in substantial economic loss and disruption to the fishing industry.

Many other highly valued fish stocks in other regions are in a similar position, either because there is no management regime in place or because existing arrangements are inadequate or ineffective. Many of these threatened stocks are straddling stocks or are highly migratory in nature.

The situation in which the international community finds itself clearly demonstrates the need for establishing better fishery management practices if the living resources of the seas are to be harvested in a sustainable manner. If this objective is to be achieved, there has to be a strong political commitment on the part of States, whether they are coastal States or distant-water fishing States. Governments must commit themselves to ensuring responsible fishing practices by their fishermen.

In the case of high seas fisheries management, international cooperation is essential because there is no single administering authority. Indeed, the United Nations Convention on the Law of the Sea recognizes this and obliges States fishing on the high seas to cooperate among themselves, as it also requires cooperation between distant-water fishing States and concerned coastal States. In accordance with the Convention, this cooperation may be undertaken at global, regional or subregional levels, and may also be bilateral.

Sound fisheries management practice requires States to cooperate in a range of activities, including the collection and use of complete, accurate and timely data; appropriate research on stocks; and effective monitoring, control, and surveillance to ensure proper compliance with agreed conservation and management measures, and the enforcement of those measures.

It also requires flag States to honour their obligations under international law to take legislative and administrative measures to ensure compliance with the agreed conservation and management measures by vessels flying their flags.

Equally important is the need to address the problems created by fishing activities of non-contracting parties which undermine management measures established in accordance with international law.

Consideration should also be given to the issue of new entrants wishing to participate in high seas fishing. In this regard, equity demands that developing countries, which in the past have not had the capacity to fish on the

high seas, should not be denied the opportunity to fish in their regions should they develop such capacity. Developing countries should also be assisted so that they can develop their capabilities in fishing and in the management and conservation of marine living resources. Given the propensity for disputes on fisheries matters, effective high seas fisheries management should be underpinned by an efficient dispute settlement mechanism that can be invoked readily and which can dispose of such disputes speedily.

The matters I have referred to relate to the management of high seas fisheries in general. They are, however, of particular importance to the management of straddling fish stocks and highly migratory fish stocks, which are the subject of this Conference. The very nature and distribution of these stocks requires international cooperation for conservation and management. This is recognized in article 63, paragraph 2, and article 64 of the Convention, which, together with article 116, provide the foundation for the conservation and management of these two types of stocks.

Many of these stocks are among the most commercially valuable species and are, therefore, subject to intense fishing effort. Indeed, from information already available, it has been concluded that many demersal straddling fish stocks are fully exploited, if not overfished. Similarly, with respect to highly migratory species, and most notably tuna, the more valuable longer-lived species, which require the most careful management, are either over-exploited or depleted.

This gloomy outlook provides a great challenge to the international community, and this Conference has been convened to address this challenge. The issue before us is not only to establish management measures for the sustainable use of straddling fish stocks and highly migratory fish stocks but also to ensure that measures and mechanisms are in place to restore depleted stocks to levels which can produce maximum sustainable yield.

The biological nature and distribution of these stocks necessitate compatible and coherent management measures over their entire range. In this respect, fish know no boundaries, and at different times during their life cycles, they may be found both within areas of national jurisdiction and on the high seas.

One of the critical challenges to this Conference is to agree on arrangements that would ensure the harmonization of management regimes applicable to the two stocks in the two areas, without prejudice to the sovereign rights of a coastal State over the living resources of its exclusive economic zone, as provided for in the Convention. This is a difficult and sensitive issue, but I feel confident that with your understanding of the gravity of the problems facing not only high seas fisheries but marine fisheries as a whole, and your commitment towards finding solutions to those problems, it will be possible to find acceptable solutions.

This Conference is timely for a number of very important and urgent reasons. These include, first, the depleted state of many of the fish stocks which are not being harvested sustainably. This is not only harmful to the marine ecosystem, but also threatens the supply of essential food for mankind from a primary source. Secondly, the depleted state of fisheries is already

affecting, or threatens to affect, the economic well-being of fishermen and those associated with the fishing industry. Thirdly, there is a sense of frustration, and even despair, among some States, which feel that their efforts to secure internationally agreed solutions to the problems facing high seas fishing are leading nowhere. They thus see this Conference as their last hope for a multilaterally agreed solution. If we do not succeed in addressing the problems adequately and resolving them, national imperatives may encourage States to find alternative solutions which may well jeopardize the achievements of the United Nations Convention on the Law of the Sea.

Much technical work in relation to conservation and management of marine living resources, including those of the high seas, is already being done by the Food and Agriculture Organization of the United Nations (FAO), in particular, and other bodies concerned with fisheries matters. However, this work needs to be reinforced at this Conference by clearly defining the legal and political framework and the principles on which management policies are to be based. This will not only provide the parameters for further technical work but will also give impetus to the work already being done.

The responsibility imposed upon this Conference by the United Nations Conference on Environment and Development, held at Rio de Janeiro last year, and endorsed by the General Assembly, is a heavy one. Our mandate in this regard is clear. There is much work to be done. I feel confident that, given your political will and your commitment to addressing the issues, the Conference will be successful in establishing norms for the conservation and management of straddling fish stocks and highly migratory fish stocks, as required by the United Nations Convention on the Law of the Sea.